

OCT 28 2002

TECH CENTER 1600/2900

146.1358

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : N.P. Huynh
S. KAWAI et al :
Serial No.: 09/701,121 : Group: 1644
Filed: November 20, 2000 :
For: MONOMER...CARTILAGE AND BONE :

600 Third Avenue
New York N.Y. 10016
October 23, 2002

RESPONSE

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Supplemental to the response of October 8, 2002, it should be noted that the notice of appeal was incorrectly submitted since the office action of April 9, 2002 was not a final rejection. The undersigned requests that the notice of appeal be withdrawn and that the amendment of October 8, 2002 be acted upon.

/ The paragraph beginning at page 5 of the response of October 8, 2002 should read as follows:

--The claims have been limited not to any amino acid as alleged by the Examiner but to a Markush group of four specific amino acids and they represent a selection of amino acids for which it is known that substitution for one another are possible and common in nature. There are amino acids in related proteins of protein families which are exchanged more often than could be expected on a random basis, whereas the exchange for other amino acids is highly unlikely as can be seen from the Dayhoff et al article submitted herewith and especially with respect to Fig. 84

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Oct 23, 2002
D. Valconcelly

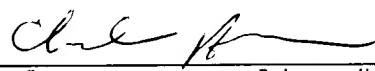
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thereof. In the present application, it could be shown experimentally that cysteine can be substituted for alanine. In view of Fig. 84 of Dayhoff et al, one skilled in the art had to expect that alanine could again be substituted for another amino acid and the amino acids serine, threonine and valine, such substitutions having a score of 1, 1 and 0. Such scores indicate favorable exchangability and hence, it is obvious that instead of alanine, serine, threonine or valine can be used. Therefore, the specification is enabling and establishes Applicants' possession of the invention as claimed. Therefore, --

Therefore, favorable reconsideration of the application is requested in view of the amendments to the claims and the remarks presented in the October 8, 2002 amendment.

Respectfully submitted,
Bierman, Muserlian and Lucas

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CAM:ds
Encl.: Return receipt postcard